UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,889	08/31/2001	Shigeru Morino	01533/LH	2070

1933 7590 09/22/2005		EXAMINER
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC		HA, LEYNNA A
220 5TH AVE FL 16		
NEW YORK, NY 10001-7708		

ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *27 June 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 4-12* is/are pending in the application.

    4a) Of the above claim(s) *3* is/~~are withdrawn from consideration~~. *canceled.*

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2 and 4-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-2 and 4-9 have been re-examined. Applicant have added

claims 10-12 and cancelled claim 3.

2.   This is a Final rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made

in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-2 and 4-12 are rejected under 35 U.S.C. 102(e) as

being anticipated by Moribatake, et al. (US 6,539,364).

As per claim 1:

Moribatake, Et al. discloses a method for encrypting and decrypting

contents data to be distributed from a server to a user terminal through

a network, said method comprising:

generating a first key at the server from contents information of contents data to be distributed; **(col.4, lines 16-17 and col.13, lines 2-4)**

generating a second key at the server **(col.4, lines 56-67)** from a variable parameter received from the user terminal, a H/W key ID retrieved from a user information database **(col.7, lines 18-31)** by using a user ID received from the user terminal, and said first key, and then sending the generated second key to the user terminal; **(col.7, line 66 - col.8, lines 3)**

decrypting the first key from at the user terminal from the variable parameter, the H/W key ID, and said second key is necessary to obtain the encrypted content **(col.10, lines 38-39 and col.12, lines 52-54)**

encrypting the contents data to be distributed at the server by using said first key and sending the encrypted contents data to the user terminal; and **(col.9, lines 61-63 and col.13, lines 40-41)**

decrypting the encrypted contents data at the user terminal by using said decrypted first key. **(col.10, lines 50-52 and col.13, lines 42-43)**

As per claim 2:   See col.4, lines 45-46; discussing generating the variable parameter at the user terminal and sending the generated variable parameter to the server.

As per claim 3:   Cancelled

As per claim 4:   See col.5, lines 35-40 and 60-64; discussing

synchronizing the variable parameter between the user terminal and the

server.

As per claim 5:   See col.5, lines 12-40 and 60-64; discussing

synchronization between the user terminal and the server is performed at

a time different from a time when the contents data is distributed.

As per claim 6:

Moribatake discloses contents data encrypting and decrypting system

comprising:

    (i) a server which comprising;

    means for generating a first key from contents information of

contents data to be distributed **(col.4, lines 16-17 and col.13, lines 2-**

4), means for generating a second key from a variable parameter **(col.4,**

lines 56-67), a H/W key ID, and said first key, and means for encrypting

the contents data to be distributed by using the first key; and **(col.9,**

lines 61-63 and col.13, lines 40-41)

    (ii) a user terminal which comprising;

    a network interface configured to receive said second key and said

encrypted contents data from said server, **(col., lines)**

    means for decrypting the first key from the variable parameter, the

H/W key ID, and said second key, and **(col.10, lines 38-39 and col.12,**

lines 52-54)

    means for decrypting said encrypted contents data by using said

decrypted first key. **(col.10, lines 50-52 and col.13, lines 42-43)**

wherein the server receives the variable parameter received from

the user terminal, and the server retrieves the H/W key ID from a user

information database **(col.7, lines 18-31)** by using a user ID received

from the user terminal, and said first key, in order to generate second

key. **(col.7, line 66 - col.8, lines 3)**

As per claim 7:   See col.5, lines 35-40 and 60-64; discussing means

for synchronizing the variable parameter between said server and said

user terminal.

As per claim 8:

Moribatake discloses a user terminal used in a system in which contents

data to be distributed from a server to the user terminal through a

network is encrypted and decrypted, said user terminal comprising:

a network interface configured to receive from the server **(col.3,**

lines 63-67) (i) a second key generated from a first key generated from

contents information of the contents data to be distributed, a variable

parameter received by the server from the user terminal **(col.4, lines 56-**

67), and a H/W key ID received by the server from a user information

database by using a user ID received from the user terminal **(col.7, lines**

18-31), and (ii) the contents data encrypted by using said first key; and

(col.7, line 66 - col.8, lines 3)

a decrypting section configured to decrypt the first key from the

variable parameter, the H/W key ID, and said second key **(col.10, lines**

38-39 and col.12, lines 52-54), and then decrypt said encrypted

contents data by using said decrypted first key. **(col.10, lines 50-52 and col.13, lines 42-43)**

As per claim 9:   See col.4, lines 45-46 and col.5, lines 35-40 and 60-64; discussing the user terminal further comprising means for synchronizing the variable parameter between the server and the user terminal.

As per claim 10: See col.5, lines 12-40 and 60-64; discussing the contents information of the contents data comprises a size of the contents data and a preceding update date of the contents data.

As per claim 11: See col.5, lines 12-40 and 60-64; discussing the contents information of the contents data comprises a size of the contents data and a preceding update date of the contents data.

As per claim 12: See col.5, lines 12-40 and 60-64; discussing the contents information of the contents data comprises a size of the contents data and a preceding update date of the contents data.

Response to Arguments

4.   Applicant's arguments with respect to claims 1-2 and 4-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
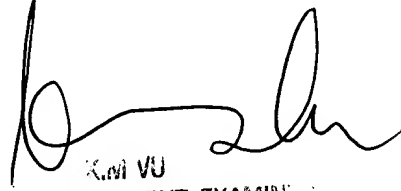
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained

from the Patent Application Information Retrieval (PAIR) system. Status

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the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LHa

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